IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 21192 of 1994**

Between:

1 Syed Azam S/o Syed Aziz
2 Syed Omer S/o Syed Aziz
by their G.P.A. the 1st petitioner
3 Syed Ali S/o late Syed Aziz
by their G.P.A. the 1st petitioner
4 Syed Hamza S/o late Syed Aziz
by their G.P.A. the 1st petitioner
5 Fatima Begum W/o late Syed Aziz
by their G.P.A. the 1st petitioner
6 Hafeezunnisa Begum D/o late Syed Aziz
by their G.P.A. the 1st petitioner
7 Yousufunnisa Begum D/o late Syed Aziz
by their G.P.A. the 1st petitioner
8 Habeeb Mohammed S/o Habeeb Yousuf
by their G.P.A. the 12th petitioner
9 Amina Khan W/o Asadullah Khan
by their G.P.A. the 12th petitioner
10 Ayesha Siddique W/o Mehdi Ali Khan
by their G.P.A. the 12th petitioner
11 Arjumen Hassan W/o Noor-ul-Hassen
by their G.P.A. the 12th petitioner
12 Shareefa Hasna Iqbal W/o Ahmed Mohsin
13 Habeeb Osman S/o Habeeb Yusuf
by their G.P.A. the 12th petitioner
14 Mariam Aidroos W/o Habeeb yousuf
by their G.P.A. the 12th petitioner

**..... PETITIONERS**

AND

The Municipal Corporation of Hyderabad rep.

by its Commissioner

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ or order holding that the action of the respondent in depriving the Petitioners of their land in S.No.286 to 291 of Bagh Amberpet without paying compensation as illegal, and arbitrary and further direct the respondent to pay the compensation in respect of their land in S.Nos.286 to 291 of Bagh Amberpet under the provisions of the land Acquisition Act.

**Counsel for the Petitioners: MR.K.SOMA KONDA REDDY**

**Counsel for the Respondent: GANTA RAMA RAO**

**The Court made the following:**

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the action of respondent in depriving the petitioners of their lands in

Sy.Nos.286 to 291 of Bagh Amberpet without paying compensation, as illegal and arbitrary, and to further direct the respondent to pay compensation for the said lands as per the provisions under the Land Acquisition Act.

It is the case of the petitioners that they are the owners and possessors of the land in Sy.Nos.286 to 291 of Bagh Amberpet and the said land was purchased by their father under a registered sale deed dated 10th Azur 1356 Fasli. In the year 1986, the respondents have widened the road from Sri Rama theatre to T.V.Tower depriving the petitioners a part of the land in Sy.Nos.286 to 291. Further, it is stated that though the petitioners have submitted representations, the respondent has not taken any steps to initiate the land acquisition proceedings. Hence the writ petition.

A counter-affidavit was filed on behalf of the respondent-Municipal Corporation stating that it has taken up the road widening programme from Sri Rama theatre to T.V.tower during the year 1986 with a view to widen the road from 60 feet to 80 feet. It is also stated that though in the said widening programme some portion of the properties in Sy.Nos.286 to 291 were affected, at initial stage no objections were put forth either by the petitioners or anybody. The petitioners have filed a representation on 04.03.1986 to pay compensation for the affected portion of the land for which the respondents have replied by their reply dated 28.05.1986, in which it is stated that the request of the petitioners will be considered to the extent of the land affected under the road widening, subject to establishing the ownership of the land and production of relevant documents. It is further stated that thereafter the petitioners have not produced any documents to prove the title of the affected land, but after eight years they filed this writ petition before this Court.

In this case, it is to be seen that though it is the case of the petitioners that the said road was widened in the year 1986 affecting their lands in Sy.Nos.286 to 291, but at the same time having submitted representations to the Municipal Corporation as early as on 04.03.1986 and having received the reply sent by the respondent-Corporation on 28.05.1986, no further steps have been taken by the petitioners and this writ petition was filed only in the year 1984. There is absolutely no valid explanation for the abnormal delay and latches on the part of the petitioners in approaching this Court. Further, though the Municipal Corporation gave a reply on 28.05.1986 asking the petitioners to produce the documents in respect of their claim, it appears that the petitioners have not responded to the same and filed the writ petition only in the year 1994.

In that view of the matter, this writ petition is liable to be dismissed on account of abnormal delay and latches, which are not explained by the petitioners, in approaching this Court for grant of relief as prayed for. The petitioners having filed representation and having received the reply from the respondent have not approached this Court in a reasonable time. On this short ground the writ petition is dismissed. No order as to costs.

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(R.SUBHASH REDDY, J)

03.02.2005

dr

To

1. The Commissioner, Municipal Corporation of Hyderabad.

2. 2 CD copies